

**REMARKS**

In the Office Action, the Examiner indicated that claims 1, 4, 6-11, and 13-14 are pending in the application and the Examiner rejected all claims.

Claims 1 and 11 have been amended.

**The §112 Rejection**

On page 2 of the Office Action, the Examiner rejected claim 11 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has amended claim 11 to satisfy the antecedent basis of the term “the predetermined driver”. Accordingly, applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 11 under 35 U.S.C. §112.

**Claim Rejections, 35 U.S.C. §§102 and 103**

On page 3 of the Office Action, the Examiner rejected claims 1, 4, 6-7, 11, and 13-14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,856,804 to Ciotta. On page 8 of the Office Action, the Examiner has rejected claims 8-10 under 35 U.S.C. §103(a) as being unpatentable over Ciotta and further in view of U.S. Patent Application Publication No. 2002/0025823 to Hara.

Ciotta is directed to a wireless communication network whereby an Internet Service Provider (ISP) receives an indication of when a mobile station (e.g., a handheld) sends a power-off message or power-on message to a base station. This occurs when the user switches the mobile station off (power-off) or on (power-on). As set forth in column 8 of Ciotta, the

switching on of the power to the mobile device begins a complex set of transmissions, all of which take place while the mobile device is in the powered-up (enabled) state. When the mobile is powered-up, a signal is sent from the mobile device to a base station indicating that it is powered-up. The base station then transmits the signal to a mobile switching center (MSC), which forwards it to a home location register (HLR). A database residing within the HLR is accessed to match mobile identification within a database record, and the database record is updated to reflect the power-on status of the mobile device. The HLR then forwards the power-on message to a remote computer system, and the remote computer system communicates with a second database that correlates mobile stations with ISP's, and the status of the mobile device (powered-on) is now available to ISP subscribers.

Ciotta does not disclose the portable device issuing the status signal by an instruction from an instruction device while the portable device is maintaining (stays in) the disablement mode, as recited in claims 1 and 11. Rather, Ciotta discloses the power-on status and the power-off status being sent only when the mode changes. Ciotta does not teach or suggest issuing a signal to the base station 20 and updating a record in the home location register 40 while the device stays in the power-off state. Accordingly, applicant submits that the present invention distinguishes over Ciotta.

Claim 1, as currently amended, recites an instruction device which instructs the portable device to issue a signal enabling the communication controller to operate the predetermined driver while the portable device stays in the disablement mode. Ciotta contains no such teaching or suggestion. Further, claim 11 recites instructing the portable device to issue a signal enabling

the communication controller to operate the predetermined driver, again while the portable device stays in the disablement mode. Ciotta contains no such teaching or suggestion. Accordingly, applicant submits that the present invention patentably distinguishes over Ciotta and respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 3-4, 6-7, 11, and 13-14 under 35 U.S.C. §102 based on Ciotta.

The addition of Hara does not render claims 8-10 obvious. Like Ciotta, Hara contains no teaching or suggestion of the claim elements described above with respect to claim 1. Since claims 8-10 directly or indirectly depend from claim 1, and neither Ciotta nor Hara disclose the above feature of the present invention of claim 1 (as amended), claims 8-10 are patentable for at least the same reasons as that claim is patentable. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 8-10 under 35 U.S.C. §103 based on the combination of Ciotta and Hata.

### **Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

**PATENT**  
**Application No. 10/716,308**

**Docket No. 27,432 USA**  
**Page 10**

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

January 9, 2008

/Mark D. Simpson/

Mark D. Simpson, Esquire  
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP  
1101 Market Street  
Suite 2600  
Philadelphia, PA 19107

Telephone: (215) 923-4466  
Facsimile: (215) 923-2189

S:\O\ONDA TECHNO INT'L PATENT ATTYS\PATENTS\P27432 USAPTO\10716308\_REPLYTOFINALAOF10092007.DOC